

1 MICHAEL J. STORTZ (SBN 139386)
Michael.Stortz@dbr.com
2 MATTHEW J. ADLER (SBN 273147)
Matthew.Adler@dbr.com
3 DRINKER BIDDLE & REATH LLP
50 Fremont Street, 20th Floor
4 San Francisco, CA 94105-2235
Telephone: (415) 591-7500
5 Facsimile: (415) 591-7510

6 MICHAEL W. MCTIGUE JR.*
Michael.McTigue@dbr.com
7 MEREDITH C. SLAWE*
Meredith.Slawe@dbr.com
8 DRINKER BIDDLE & REATH LLP
One Logan Square, Ste. 2000
9 Philadelphia, PA 19103-6996
Telephone: (215) 988-2700
10 Facsimile: (215) 988-2757

11 Attorneys for Defendants
COMCAST CORPORATION, COMCAST CABLE
12 COMMUNICATIONS MANAGEMENT, LLC, and
COMCAST CABLE COMMUNICATIONS, LLC
13 **pro hac vice* to be sought

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 RICHARD WUEST,

18 Plaintiff,

19 v.

20 COMCAST CORPORATION;
21 COMCAST CABLE
COMMUNICATIONS MANAGEMENT,
22 LLC; COMCAST CABLE
COMMUNICATIONS, LLC; and DOES 1
23 through 50, inclusive,

24 Defendants.
25
26
27
28

Case No. _____

**DEFENDANTS COMCAST
CORPORATION, COMCAST CABLE
COMMUNICATIONS MANAGEMENT,
LLC, AND COMCAST CABLE
COMMUNICATIONS, LLC'S NOTICE OF
REMOVAL**

PLEASE TAKE NOTICE that Defendants Comcast Corporation, Comcast Cable Communications Management, LLC, and Comcast Cable Communications, LLC (collectively “Comcast”) remove the above-captioned action (the “Action”) from the Superior Court of the State of California, County of Alameda to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453. In support of this removal, Defendants state as follows:

JURISDICTIONAL STATEMENT

1. This Court has original jurisdiction over this Action under the Class Action Fairness Act of 2005 (“CAFA”), which creates federal diversity jurisdiction over putative class actions that have: (1) minimal diversity; (2) 100 or more class members; and (3) an aggregate amount in controversy over \$5,000,000. *See* 28 U.S.C. §§ 1332(d)(2)(A), 1332(d)(5)(B), 1332(d)(6). CAFA authorizes removal of such actions pursuant to 28 U.S.C. § 1446. *See* 28 U.S.C. § 1453. As set forth below, this Action satisfies every applicable prerequisite, and is timely and properly removed by the filing of this Notice of Removal.¹

2. Pursuant to 28 U.S.C. § 1446(a), it is sufficient to provide a “short and plain” allegation of jurisdiction and it is not necessary to attach evidence establishing those allegations. *See Dart Cherokee Basin Operating Co. v. Owens*, 135 S. Ct. 547, 551 (2014) (“A statement ‘short and plain’ need not contain evidentiary submissions.”).

3. This Action has been styled as a class action. *See* Compl. ¶¶ 1, 21-33.

A. Minimal Diversity Exists

4. CAFA requires only minimal diversity, i.e., that “any member of a class of

¹ Strictly speaking, CAFA’s amount in controversy requirement is located in Section 1332, which applies to actions that are filed by plaintiffs, not Section 1453, which applies to actions that are removed by defendants. Although the default rule is that an action is only removable if it could have been filed in federal court originally, Congress can “expressly provid[e]” otherwise. *See* 28 U.S.C. § 1441(a). Here, Section 1453(b) states that an action may be removed so long as it is a “class action.” *See* 28 U.S.C. § 1453(b) (“A class action may be removed.”). Nothing in Section 1453(b) suggests that removed actions must also satisfy Section 1332. *Cf.* 14B Charles A. Wright et al., *Federal Practice & Procedure* § 3724 (4th ed. 2009). Indeed, the plain language of Section 1453 suggests otherwise, as it incorporates Section 1332’s definition of “class action” but not its various other requirements. *See* 28 U.S.C. § 1453(a). This is an academic point here, however, as Section 1332(d) is satisfied in any event. *See infra*.

1 plaintiffs is a citizen of a State different from any defendant.” 28 U.S.C. § 1332(d)(2)(A).

2 5. Plaintiff Richard Wuest (“Plaintiff”) alleges that he is a resident of California. *See*
3 Compl. ¶ 4 (“Plaintiff Richard Wuest is an individual and a resident of California.”). Comcast
4 alleges that at the time of this Notice of Removal Plaintiff is a domiciliary and therefore citizen of
5 California because he has no present intention to relocate to another state. *See, e.g., Newman-*
6 *Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 828 (1989) (distinguishing residence and domicile).

7 6. Plaintiff brings this Action on behalf of not only himself but also a putative class
8 of “California citizens.” Compl. ¶ 21.

9 7. Comcast Corporation is a citizen of Pennsylvania because it is organized under the
10 laws of the Commonwealth of Pennsylvania and has its corporate headquarters in the
11 Commonwealth of Pennsylvania. *See Hertz Corp. v. Friend*, 559 U.S. 77, 80-81 (2010) (“[W]e
12 conclude that the phrase ‘principal place of business’ refers to the place where the corporation’s
13 high level officers direct, control, and coordinate the corporation’s activities. Lower federal
14 courts have often metaphorically called that place the corporation’s ‘nerve center.’ We believe
15 that the ‘nerve center’ will typically be found at a corporation’s headquarters.” (internal citations
16 omitted)); *see also* Compl. ¶ 5 (“Defendant Comcast Corporation is a Pennsylvania corporation
17 with headquarters in Philadelphia, Pennsylvania.”).

18 8. Comcast Cable Communications Management, LLC is a citizen of Delaware and
19 Pennsylvania because it is organized under the laws of the State of Delaware and has its corporate
20 headquarters in the Commonwealth of Pennsylvania. *See Hertz Corp.*, 559 U.S. at 80-81; 28
21 U.S.C. § 1332(d)(10) (“For purposes of this subsection and section 1453, an unincorporated
22 association shall be deemed to be a citizen of the State where it has its principal place of business
23 and the State under whose laws it is organized.”); *see also* Compl. ¶ 6 (“Defendant Comcast
24 Cable Communications Management, LLC is a Delaware corporation with headquarters in
25 Philadelphia, Pennsylvania.”).

26 9. Comcast Cable Communications, LLC is a citizen of Delaware and Pennsylvania
27 because it is organized under the laws of the State of Delaware and has its corporate headquarters
28 in the Commonwealth of Pennsylvania. *See Hertz Corp.*, 559 U.S. at 80-81; 28 U.S.C.

1 § 1332(d)(10); *see also* Compl. ¶ 7 (“Defendant Comcast Cable Communications, LLC is a
2 Delaware corporation with headquarters in Philadelphia, Pennsylvania.”).

3 10. Accordingly, there is complete diversity between Comcast and Plaintiff as well as
4 at least minimal diversity between Comcast and unnamed members of the putative class. *See* 28
5 U.S.C. § 1332(d)(2)(A); *Serrano v. 180 Connect, Inc.*, 478 F.3d 1018, 1021 (9th Cir. 2007)
6 (“Thus, under CAFA, complete diversity is not required; ‘minimal diversity’ suffices.” (citations
7 omitted)).

8 **B. There Are at Least 100 Members in Plaintiff’s Putative Class**

9 11. CAFA requires the existence of at least 100 members in Plaintiff’s putative class.
10 28 U.S.C. § 1332(d)(5)(B).

11 12. Plaintiff seeks to represent a class of “[a]ll California citizens who, at any time
12 during the applicable limitations period preceding the filing of the Complaint in this matter and
13 through and including the date of resolution, called one or more of Defendants’ customer service
14 telephone numbers from a cellular or cordless telephone while located within the State of
15 California and whose calls were recorded and/or monitored by Defendants without any warning
16 or disclosure at the call outset.” Compl. ¶ 21. According to the Complaint, “at all relevant
17 times,” Comcast “had and followed a policy and practice” of recording or monitoring calls in
18 violation of California Penal Code § 632.7. *Id.* ¶ 37.

19 13. Plaintiff alleges that the class he seeks to represent “contains numerous members”
20 and “consists of at least seventy-five individuals.” *Id.* ¶¶ 22, 26.

21 14. Comcast alleges that, since June 12, 2016, more than 1,000 phone calls were
22 placed to Comcast’s customer service telephone numbers by more than 100 California citizens
23 using cellular or cordless telephones while in California.²

24 ///

25
26 ² The statute of limitations for a Section 632.7 civil action is one year. *See Quesada v.*
27 *Banc of Am. Inv. Servs., Inc.*, No. 11-1703, 2012 WL 34228, at *1 (N.D. Cal. Jan. 6, 2012) (citing
28 Cal. Civ. Proc. Code § 340(a); *Montalti v. Catanzariti*, 236 Cal. Rptr. 231 (Cal. Ct. App. 1987))).
The limitations period for Plaintiff’s claim thus began on or before June 12, 2017. *See infra* ¶ 22.

1 15. Accordingly, there are more than 100 prospective class members. *See* 28 U.S.C.
2 § 1332(d)(5)(B).

3 **C. The Amount in Controversy Exceeds \$5 Million**

4 16. CAFA requires that “the matter in controversy exceeds the sum or value of
5 \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(2). It also provides that,
6 “to determine whether the matter in controversy exceeds the sum or value of \$5,000,000,”
7 the “claims of the individual class members shall be aggregated.” *Id.* § 1332(d)(6).

8 17. Plaintiff alleges that “at all relevant times,” Comcast had a “policy and practice” of
9 recording or monitoring calls in violation of California Penal Code § 632.7, and that Comcast is
10 liable to each prospective class member for \$5,000 per alleged violation. Compl. ¶¶ 38-40.

11 18. At \$5,000 per violation for more than 1,000 calls, *see supra* ¶ 14, the statutory
12 penalties Plaintiff seeks on behalf of the putative class exceed \$5,000,000. *See* Cal. Penal Code
13 § 637.2.

14 19. Although Comcast denies that it has violated California Penal Code § 632.7 and
15 thus is not liable to Plaintiff or a putative class,³ and denies that any class could be properly
16 certified under Federal Rule of Civil Procedure 23, the aggregate amount placed “in controversy”
17 by this case—that is, the aggregate value of the damages sought by Plaintiff—exceeds
18 \$5,000,000. *See Dart Cherokee Basin Operating Co., LLC*, 135 S. Ct. at 554 (“[A] defendant’s
19 notice of removal need include only a plausible allegation that the amount in controversy exceeds
20 the jurisdictional threshold.”).

21 20. Because (1) minimal diversity exists, (2) there are more than 100 putative class
22 members, and (3) more than \$5,000,000 in the aggregate is in controversy, this Court has original
23 subject matter jurisdiction. *See* 28 U.S.C. § 1332(d)(2)(A).

24 21. Because this Action states a basis for original subject matter jurisdiction under 28
25 U.S.C. § 1332, it is removable under 28 U.S.C. § 1441(a).

26 ³ By removing this action, Comcast does not concede liability, let alone liability of greater
27 than \$5,000,000. *See Lewis v. Verizon Commc’ns, Inc.*, 627 F.3d 395, 400 (9th Cir. 2010) (“The
28 amount in controversy is simply an estimate of the total amount in dispute” based on the
 allegations of a complaint, “not a prospective assessment of defendant’s liability.” (citing cases)).

PROCEDURAL STATEMENT

A. Timeliness

22. Plaintiff commenced this Action on or about June 12, 2017 by filing a complaint in the Superior Court of the State of California, Alameda County, captioned *Wuest v. Comcast Corp. et al.*, No. RG17863621 (“Complaint”).

23. Plaintiff purported to serve the Complaint on Comcast on or about June 19, 2017.

24. Pursuant to 28 U.S.C. § 1446(b) and Federal Rule of Civil Procedure 6, this Notice of Removal was timely filed within thirty (30) days of service. *See, e.g., Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 348-49 (1999).

B. District

25. Pursuant to 28 U.S.C. § 1441(a), removal to the United States District Court for the Northern District of California is proper because it embraces the Superior Court of the State of California, Alameda County where this Action was commenced. *See* 28 U.S.C. § 84.

C. Division

26. Because this action arises in Alameda County, it could be assigned to either the San Francisco Division or the Oakland Division. *See* Civil L.R. 3-2(d).

D. Attachments

27. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint and any other process, pleadings, and orders purportedly served on Comcast as of the date of this Notice of Removal are attached collectively as Exhibit A.

E. Notices

28. Pursuant to 28 U.S.C. § 1446(d), Comcast will promptly file a copy of this Notice of Removal in the Superior Court of the State of California, Alameda County, and serve Plaintiff with written notice of its filing.

F. Defenses

29. By removing this Action to this Court, Comcast does not waive any defenses that are available to it under state or federal law. Comcast expressly reserves the right to require that the claims of Plaintiff and/or members of the putative class be decided through individual

1 arbitration, to move to dismiss or for the entry of judgment pursuant to Federal Rules of Civil
2 Procedure 12 and 56, and to strike or oppose the certification of any putative class pursuant to
3 Federal Rule of Civil Procedure 23.

4 **WHEREFORE**, Comcast respectfully removes this Action from the Superior Court of
5 California, Alameda County to the United States District Court for the Northern District of
6 California pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453.

7
8 Dated: July 19, 2017

DRINKER BIDDLE & REATH LLP

9
10 By: /s/ Michael J. Stortz

Michael J. Stortz

Matthew J. Adler

11
12 Attorneys for Defendants
COMCAST CORPORATION, COMCAST
13 CABLE COMMUNICATIONS
MANAGEMENT, LLC, and COMCAST
14 CABLE COMMUNICATIONS, LLC

15 Michael W. McTigue Jr.
Meredith C. Slawe

16 Of Counsel for Defendants
COMCAST CORPORATION, COMCAST
17 CABLE COMMUNICATIONS
MANAGEMENT, LLC, and COMCAST
18 CABLE COMMUNICATIONS, LLC
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28

EXHIBIT A

JUN 19 2017

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

COMCAST CORPORATION; COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC; COMCAST CABLE COMMUNICATIONS, LLC; and DOES 1 through 50, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

RICHARD WUEST, individually and on behalf of a class of similarly situated individuals,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

JUN 12 2017

CLERK OF THE SUPERIOR COURT,

By Lanette Buffin, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Rene C. Davidson Courthouse

Alameda County Superior Court
1225 Fallon Street, Oakland, California 94612

CASE NUMBER:
(Número del caso) 7853621

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Eric A. Grover, KELLER GROVER LLP, 1965 Market Street, San Francisco, CA 94103 (415) 543-1305

Chad Fink

DATE:

(Fecha)

JUN 12 2017

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): COMCAST CORPORATION

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☒ by personal delivery on (date): JUN 19 2017

Page 1 of 1

JUN 19 2017

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

COMCAST CORPORATION; COMCAST CABLE COMMUNICATIONS
MANAGEMENT, LLC; COMCAST CABLE COMMUNICATIONS, LLC;
and DOES 1 through 50, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

RICHARD WUEST, individually and on behalf of a class of similarly
situated individuals,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

JUN 12 2017

CLERK OF THE SUPERIOR COURT,

By Lanette Buffin, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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Eric A. Grover, KELLER GROVER LLP, 1965 Market Street, San Francisco, CA 94103 (415) 543-1305

CASE NUMBER:
(Número del caso) 7853621

DATE:

(Fecha)

JUN 12 2017

Clerk, by

(Secretario)

Deputy

(Adjunto)

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- ☒ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☒ other (specify):

- ☐ by personal delivery on (date):

Comcast Cable Communications Management LLC
limited liability company

JUN 19 2017

SUM-100

SUMMONS (CITACION JUDICIAL)

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RICHARD WUEST, individually and on behalf of a class of similarly
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There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la Información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Rene C. Davidson Courthouse

Alameda County Superior Court

1225 Fallon Street, Oakland, California 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Eric A. Grover, KELLER GROVER LLP, 1965 Market Street, San Francisco, CA 94103 (415) 543-1305

CASE NUMBER:
(Número del Caso)

7863621

DATE:

(Fecha)

JUN 12 2017

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☒ other (specify):

by personal delivery on (date):

☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)

Comcast Cable Communications, LLC

limited liability company

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305 | Fax 415.543.7861

ERIC A. GROVER (SBN 136080)
eamgrover@kellergrover.com
KELLER GROVER LLP
1965 Market Street
San Francisco, California 94103
Telephone: (415) 543-1305
Facsimile: (415) 543-7861

**ENDORSED
FILED
ALAMEDA COUNTY**

JUN 12 2017

CLERK OF THE SUPERIOR COURT
By Lanette Buffin, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA**

RICHARD WUEST, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

COMCAST CORPORATION; COMCAST
CABLE COMMUNICATIONS
MANAGEMENT, LLC; COMCAST CABLE
COMMUNICATIONS, LLC; and DOES 1
through 50, inclusive,

Defendants.

Case No: 17863621

CLASS ACTION

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

BY FAX

CLASS ACTION COMPLAINT

Plaintiff Richard Wuest ("Plaintiff" or "Wuest"), on behalf of himself and a class (the "PC § 632.7 Class") of similarly situated individuals as defined below, alleges on information and belief and the investigation by counsel as follows:

INTRODUCTION

1. This class action lawsuit arises out of the policy and practice of Defendants Comcast Corporation, Comcast Cable Communications Management, LLC and/or Comcast Cable Communications, LLC (collectively "Defendants" or "Comcast") to record and/or monitor,¹ without the consent of all parties, consumer-initiated telephone calls made or routed to Defendants' toll-free and other customer service telephone numbers (collectively referred to as "Comcast customer service telephone numbers"), including but not limited to 855-339-0734. Comcast is a provider of television, internet, telephone and home security services throughout the United States, including in California. 855-339-0734 is one of Defendants' toll-free telephone numbers that connects callers to Defendants' live customer service representatives. During the relevant time period, Defendants intentionally and surreptitiously recorded and/or monitored telephone calls made or routed to Defendants' customer service telephone numbers, including 855-339-0734. Defendants did so without warning or disclosing to inbound callers that their calls might be recorded or monitored.

2. Defendants' policy and practice of recording and monitoring consumer-initiated telephone conversations without the consent of all parties violates California's Invasion of Privacy Act (Penal Code §§ 630, *et seq.*). Specifically, Defendants' policy and practice violate Penal Code § 632.7, which prohibits the recording or monitoring of a communication made to or from a cellular or cordless telephone without the consent of all parties to the communication.

///

¹ "Monitor," as used in this complaint, includes both (a) the common understanding of a person listening in on a call and (b) "intercepting," as that term is used in the California Invasion of Privacy Act ("CIPA"). Thus, "monitor" will be used in lieu of "intercept" throughout this complaint.

3. Because of Defendants' violations, all individuals who called or were routed to one of Defendants' customer service telephone numbers while they were in California and were recorded or monitored by Defendants surreptitiously and without disclosure are entitled to an award of statutory damages and injunctive relief as set forth in Penal Code § 637.2.

PARTIES

4. Plaintiff Richard Wuest is an individual and a resident of California.

5. Defendant Comcast Corporation is a Pennsylvania corporation with headquarters in Philadelphia, Pennsylvania. Comcast Corporation systematically and continuously does business in California and with California residents.

6. Defendant Comcast Cable Communications Management, LLC is a Delaware corporation with headquarters in Philadelphia, Pennsylvania. Comcast Cable Communications Management, LLC systematically and continuously does business in California and with California residents.

7. Defendant Comcast Cable Communications, LLC is a Delaware corporation with headquarters in Philadelphia, Pennsylvania. Comcast Cable Communications, LLC systematically and continuously does business in California and with California residents.

8. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES 1 through 50, inclusive, and therefore sue those defendants by those fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and on that ground alleges that each of the fictitiously named defendants is responsible in some manner for the occurrences alleged and that Plaintiff's injuries and damages, as alleged, are proximately caused by those occurrences.

9. Plaintiff is informed and believes and on that ground alleges that, at all relevant times, each Defendant was the principal, agent, partner, joint venturer, officer, director, controlling shareholder, subsidiary, affiliate, parent corporation, successor in interest and/or predecessor in interest of some or all of the other Defendants, and was engaged with some or all of the other Defendants in a joint enterprise for profit, and bore such other relationships to some or all of the other Defendants as to be liable for their conduct with respect to the matters alleged

below. Plaintiff is informed and believes and on that ground alleges that each Defendant acted pursuant to and within the scope of the relationships alleged above, and that each knew or should have known about and authorized, ratified, adopted, approved, controlled, aided and abetted the conduct of all Defendants.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction over this action under California Penal Code §§ 632.7 and 637.2.

11. This Court has personal jurisdiction over the parties because Defendants continually and systematically have conducted business in the State of California. Likewise, Plaintiff's rights were violated in the State of California and arose out of his contact with Defendants from and within California.

12. Venue is proper in this Court because California Code of Civil Procedure §§ 395 and 395.5, and case law interpreting those sections, provide that if a foreign business entity fails to designate with the office of the California Secretary of State a principal place of business in California, it is subject to being sued in any county in the state that plaintiff desires. On information and belief, as of the date this Complaint is filed, each named Defendant is a foreign business entity that has failed to designate a principal place of business in California with the office of the Secretary of State.

FACTUAL ALLEGATIONS COMMON TO THE CLASS

13. Plaintiff is a past customer of Comcast. Plaintiff's customer relationship with Comcast had terminated on or before July 7, 2016. Sometime after July 7, 2016, Plaintiff received a postcard in the mail advertising Comcast's Xfinity television, internet and home security services. The advertisement implored consumers to "Act now and call 1-855-339-0734."

14. Plaintiff is informed and believes and on that ground alleges that Defendants' employees and agents at customer service call centers receive incoming calls from callers including California callers.

///

1 15. Plaintiff is informed and believes and on that ground alleges that Defendants
2 intentionally have used technology consisting of hardware and/or software or other equipment to
3 carry out a policy and practice of recording and/or monitoring calls routed to Defendants'
4 customer service representatives.

5 16. Plaintiff is informed and believes and on that ground alleges that Defendants'
6 employees and agents at the customer service call centers were and are directed, trained, and
7 instructed to, and did and do, record and/or monitor telephone calls between the customer service
8 representatives and callers, including California callers. Plaintiff, on his own and through
9 investigation by counsel, verified on more than one occasion in 2017 that callers who called 855-
10 339-0734 and were routed to Defendants' customer service representatives routinely were being
11 recorded without having received any warning that their calls were being recorded. No warning
12 disclosure was played while callers were on hold waiting to be transferred to a customer service
13 representative, and no warning was given at the call outset after callers were transferred to a
14 customer service representative.

15 17. On and around April 30, 2017 at 3:00 p.m., and while physically located in
16 California, Plaintiff dialed the 855-339-0734 Comcast customer service telephone number on the
17 advertisement he received using his cellular telephone. Plaintiff called 855-339-0734 to inquire
18 about the offer on the advertising postcard.

19 18. During Plaintiff's April 30, 2017 telephone call to Comcast, Defendants failed to
20 disclose at the outset of the call that that the telephone conversation with Defendants was being
21 recorded and/or monitored. Plaintiff did not give and could not have given consent for his
22 telephone calls to be recorded or monitored because the lack of warning or disclosure regarding
23 call recording left him unaware at the call outset that Defendants were engaged in that practice.
24 Plaintiff later learned that the call had been recorded at the call outset.

25 19. Plaintiff is informed and believes and on that ground alleges that other callers
26 who called Defendants' customer service telephone numbers – including 855-339-0734 -- and
27 were routed to one of Defendants' customer service call centers were not informed at the call
28 outset by Defendants or anyone else that their calls were being recorded and/or monitored. Thus,

1 that recording and/or monitoring necessarily occurred without the callers' knowledge or consent.

2 20. Because there was no warning that calls would be recorded or monitored,
3 Plaintiff had a reasonable expectation that his telephone conversation with Defendants'
4 employees and agents was, and would remain, private and confined to the parties on the
5 telephone. That recording and/or monitoring without his consent is highly offensive to Plaintiff
6 and would be highly offensive to a reasonable person, including members of the proposed
7 Plaintiff Class.

8 **CLASS ACTION ALLEGATIONS**

9 21. Plaintiff brings this action under California Code of Civil Procedure § 382 on
10 behalf of themselves and the class (the "PC § 632.7 Class") defined as follows:

11 All California citizens who, at any time during the applicable limitations period
12 preceding the filing of the Complaint in this matter and through and including the date
13 of resolution, called one or more of Defendants' customer service telephone numbers
14 from a cellular or cordless telephone while located within the State of California and
15 whose calls were recorded and/or monitored by Defendants without any warning or
16 disclosure at the call outset.

17 22. The PC § 632.7 Class that Plaintiff seeks to represent contains numerous
18 members and is clearly ascertainable including, without limitation, by using Defendants'
19 records and/or Defendants' telephone company's and/or other telecommunications and toll-free
20 service providers' records regarding calls to the Comcast customer service telephone numbers
21 to determine the size of the PC § 632.7 Class and to determine the identities of individual PC §
22 632.7 Class members. Plaintiff reserves the right to amend or modify the PC § 632.7 Class
23 definition and/or to add subclasses or limitations to particular issues.

24 23. By their unlawful actions, Defendants have violated Plaintiff's and the PC §
25 632.7 Class's privacy rights under California's Invasion of Privacy Act, California Penal Code
26 §§ 630 *et seq.* The questions raised are, therefore, of common or general interest to the PC §
27 632.7 Class members, who have a well-defined community of interest in the questions of law
28 and fact raised in this action.

24. Plaintiff's claims are typical of those of the PC § 632.7 Class, as Plaintiff now suffers and has suffered from the same violation of the law as other putative PC § 632.7 Class members. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions to represent them and the PC § 632.7 Class, and Plaintiff will fairly and adequately represent the interests of the PC § 632.7 Class.

25. This action may properly be maintained as a class action under section 382 of the California Code of Civil Procedure because there is a well-defined community of interest in the litigation and the proposed PC § 632.7 Class is ascertainable.

Numerosity

26. Based on information and belief, the Class consists of at least seventy-five individuals, making joinder of individual cases impracticable.

Typicality

27. Plaintiff's claims are typical of the claims of all of the other members of the PC § 632.7 Class. Plaintiff's claims and the PC § 632.7 Class members' claims are based on the same legal theories and arise from the same unlawful conduct, resulting in the same injury to Plaintiff and to all of the other PC § 632.7 Class members.

Common Questions of Law and Fact

28. There are questions of law and fact common to the PC § 632.7 Class that predominate over any questions affecting only individual PC § 632.7 Class members. Those common questions of law and fact include, without limitation, the following:

- a. Whether Defendants had a policy or practice of recording and/or monitoring inbound telephone calls made to Comcast customer service telephone numbers;
- b. Whether Defendants had a policy or practice of not disclosing to inbound callers that their conversations with Defendants' employees or agents would be recorded and/or monitored;
- c. Whether Defendants had a policy or practice of not obtaining inbound callers' consent to record and/or monitor conversations between

Defendants' employees or agents, on the one hand, and inbound callers, on the other;

d. Whether Defendants violated California Penal Code § 632.7 by recording and/or monitoring, surreptitiously and without disclosure at the call outset, telephone conversations

i. between inbound callers using cellular and cordless telephones within California and Defendants' employees and agents, and

ii. between inbound callers using landline telephones within California and Defendants' employees and agents using cellular or cordless phones; and

e. Whether Class members are entitled to statutory damages of \$5,000 under Penal Code § 637.2 for each violation of Penal Code § 632.7.

Adequacy

29. Plaintiff will fairly and adequately represent and protect the interests of the other members of the PC § 632.7 Class. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiff and his counsel are committed to prosecuting this action vigorously on behalf of the other PC § 632.7 Class members and have the financial resources to do so. Neither Plaintiff nor his counsel have any interests adverse to those of the other PC § 632.7 Class members.

Superiority

30. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because individual litigation of the claims of all PC § 632.7 Class members is impracticable and questions of law and fact common to the PC § 632.7 Class predominate over any questions affecting only individual members of the PC § 632.7 Class. Even if every individual PC § 632.7 Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts if individual litigation of the numerous cases were to be required. Individualized litigation also would present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense

1 to all parties and to the court system resulting from multiple trials of the same factual issues. By
2 contrast, the conduct of this action as a class action with respect to some or all of the issues will
3 present fewer management difficulties, conserve the resources of the court system and the
4 parties and protect the rights of each PC § 632.7 Class member. Further, it will prevent the very
5 real harm that would be suffered by numerous putative PC § 632.7 Class members who simply
6 will be unable to enforce individual claims of this size on their own, and by Defendants'
7 competitors, who will be placed at a competitive disadvantage as their punishment for obeying
8 the law. Plaintiff anticipates no difficulty in the management of this case as a class action.

9 31. The prosecution of separate actions by individual PC § 632.7 Class members may
10 create a risk of adjudications with respect to them that would, as a practical matter, be dispositive
11 of the interests of other PC § 632.7 Class members not parties to those adjudications or that
12 would substantially impair or impede the ability of those non-party PC § 632.7 Class members to
13 protect their interests.

14 32. The prosecution of individual actions by PC § 632.7 Class members would run
15 the risk of establishing inconsistent standards of conduct for Defendants.

16 33. Defendants have acted or refused to act in respects generally applicable to the PC
17 § 632.7 Class, thereby making appropriate final and injunctive relief or corresponding
18 declaratory relief with regard to members of the PC § 632.7 Class as a whole as requested herein.
19 Likewise, Defendants' conduct as described above is unlawful, is capable of repetition, and will
20 continue unless restrained and enjoined by the Court.

21 **FIRST CAUSE OF ACTION**
22 **Unlawful Recording and/or Monitoring of**
23 **Cellular and Cordless Telephone Communications**
(Violation of California Penal Code § 632.7)
Against All Defendants

24 34. Plaintiff incorporates each allegation set forth above as if fully set forth herein
25 and further alleges as follows.

26 35. On and around April 30, 2017 at 3:00 p.m., and while physically located in
27 California, Plaintiff dialed the 855-339-0734 Comcast customer service telephone number on
28 the advertisement he received using his cellular telephone. Plaintiff called 855-339-0734 to

1 inquire about the offer on the advertising postcard.

2 36. Plaintiff is informed and believes and on that ground alleges that, at all relevant
3 times, Defendants had a policy and practice of using hardware and/or software or other
4 equipment that enabled them to surreptitiously record and/or monitor conversations with Plaintiff
5 and other PC § 632.7 Class members (a) who made calls to Comcast customer service telephone
6 numbers on their cellular or cordless telephones or (b) who made calls to Defendants' cellular or
7 cordless telephones on their landline telephones. Plaintiff, individually and through investigation
8 by counsel, verified on more than one occasion in 2017 that callers who called 855-339-0734 and
9 were routed to Defendants' customer service representatives routinely were being recorded
10 without having received any warning at the call outset that their calls were being recorded. No
11 warning disclosure was played while callers were on hold waiting to be transferred to a customer
12 service representative, and no warning was given at the call outset after callers were transferred
13 to a customer service representative.

14 37. Plaintiff is informed and believes and on that ground alleges that, at all relevant
15 times, Defendants had and followed a policy and practice of intentionally and surreptitiously
16 recording and/or monitoring Plaintiff's and PC § 632.7 Class members' telephone conversations
17 with Defendants' employees and agents in which one or both parties to the call were using
18 cellular or cordless telephones. Plaintiff, individually and through investigation by counsel,
19 verified on more than one occasion in 2017 that callers who called 855-339-0734 and were
20 routed to Defendants' customer service representatives routinely were being recorded without
21 having received any warning at the call outset that their calls were being recorded. No warning
22 disclosure was played while callers were on hold waiting to be transferred to a customer service
23 representative, and no warning was given at the call outset after callers were transferred to a
24 customer service representative.

25 38. Plaintiff is informed and believes and on that ground alleges that Defendants had
26 and followed a policy and practice of not advising or warning inbound callers such as Plaintiff or
27 PC § 632.7 Class members at the call outset that their telephone communications with
28 Defendants' employees and agents, in which one or both parties to the call were using cellular or

1 cordless telephones, would be recorded and/or monitored. Plaintiff, individually and through
2 investigation by counsel, verified on more than one occasion in 2017 that callers who called 855-
3 339--0734 and were routed to Defendants' customer service representatives routinely were being
4 recorded without having received any warning at the call outset that their calls were being
5 recorded. No warning disclosure was played while callers were on hold waiting to be transferred
6 to a customer service representative, and no warning was given at the call outset after callers
7 were transferred to a customer service representative.

8 39. Because Defendants did not disclose to Plaintiff or PC § 632.7 Class members at
9 the call outset that their calls were being recorded and/or monitored, Defendants did not obtain,
10 and could not have obtained, Plaintiff's or PC § 632.7 Class members' express or implied
11 advance consent to the recording or monitoring of those conversations. As a result, Plaintiff and
12 PC § 632.7 Class members had an objectively reasonable expectation that their calls were not
13 being recorded and/or monitored. That expectation and its objective reasonableness arise, in
14 part, from the objective offensiveness of surreptitiously recording people's conversations, the
15 absence of even a simple pre-recorded message as short as four simple words – "calls may be
16 recorded" – and the ease with which such a message could have been put in place. As the
17 California Supreme Court has stated, "in light of the circumstance that California consumers are
18 accustomed to being informed at the outset of a telephone call whenever a business entity intends
19 to record the call, it appears equally plausible that, in the absence of such an advisement, a
20 California consumer reasonably would anticipate that such a telephone call is not being recorded,
21 particularly in view of the strong privacy interest most persons have with regard to the personal
22 financial information frequently disclosed in such calls." (See *Kearney v. Salomon Smith Barney*
23 (2006) 39 Cal. 4th 95.)

24 40. Defendants' conduct as described above violated California Penal Code §
25 632.7(a). Under Penal Code § 632.7, Plaintiff and PC § 632.7 Class members therefore are
26 entitled to \$5,000 in statutory damages per violation, even in the absence of proof of actual
27 damages, the amount deemed proper by the California Legislature. Plaintiff and PC § 632.7
28 Class members also are entitled to injunctive relief to enjoin further violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and members of the Class, prays for the following relief:

- a. An order certifying the PC § 632.7 Class and appointing Plaintiff Richard Wuest as representatives of the PC § 632.7 Class, and appointing counsel for Plaintiff as lead counsel for the PC § 632.7 Class;
- b. An order declaring that the actions of Defendants, as described above, violate California Penal Code § 632.7;
- c. A judgment for and award of statutory damages of \$5,000 per violation to Plaintiff and the members of the PC § 632.7 Class under California Penal Code § 637.2;
- d. A permanent injunction under Penal Code § 637.2 enjoining Defendants from engaging in further conduct in violation of California Penal Code § 630, *et seq.*;
- e. Payment of costs of the suit;
- f. Payment of attorneys' fees under California Code of Civil Procedure § 1021.5;
- g. An award of pre- and post-judgment interest to the extent allowed by law; and
- h. For such other or further relief as the Court may deem proper.

Respectfully submitted,

KELLER GROVER LLP

By:



Eric A. Grover
Attorneys for Plaintiff

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JURY DEMAND

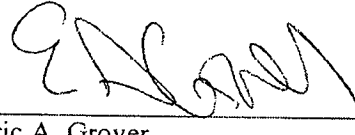
Plaintiff requests a trial by jury of all claims that can be so tried.

Respectfully submitted,

Dated: June 12, 2016

KELLER GROVER LLP

By:



Eric A. Grover
Attorneys for Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric A. Grover, Esq. (SBN 136080) KELLER GROVER LLP 1965 Market Street San Francisco, California 94103 TELEPHONE NO.: 415-543-1305 FAX NO.: 415-543-7861 ATTORNEY FOR (Name): Plaintiff Richard Wuest		FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY JUN 12 2017 CLERK OF THE SUPERIOR COURT By Lanette Buffin, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: Rene C. Davidson Courthouse		
CASE NAME: Wuest v. Comcast Corporation, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): One
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 12, 2017

Eric A. Grover

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title: Wuest v. Comcast Corporation, et al.	Case Number:
--	---------------------

CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA			
<input type="checkbox"/> Oakland, Rene C. Davidson Alameda County Courthouse (446)		<input type="checkbox"/> Hayward Hall of Justice (447)	
<input checked="" type="checkbox"/> Oakland, Rene C. Davidson Alameda County Courthouse (446)		<input type="checkbox"/> Pleasanton, Gale-Schenone Hall of Justice (448)	
Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)	
Auto Tort	Auto tort (22)	<input type="checkbox"/> 34 Auto tort (G) Is this an uninsured motorist case? <input type="checkbox"/> yes <input type="checkbox"/> no	
Other PI /PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	<input type="checkbox"/> 75 Asbestos (D) <input type="checkbox"/> 89 Product liability (not asbestos or toxic tort/environmental) (G) <input type="checkbox"/> 97 Medical malpractice (G) <input type="checkbox"/> 33 Other PI/PD/WD tort (G)	
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	<input checked="" type="checkbox"/> 79 Bus tort / unfair bus. practice (G) <input type="checkbox"/> 80 Civil rights (G) <input type="checkbox"/> 84 Defamation (G) <input type="checkbox"/> 24 Fraud (G) <input type="checkbox"/> 87 Intellectual property (G) <input type="checkbox"/> 59 Professional negligence - non-medical (G) <input type="checkbox"/> 03 Other non-PI/PD/WD tort (G)	
Employment	Wrongful termination (36) Other employment (15)	<input type="checkbox"/> 38 Wrongful termination (G) <input checked="" type="checkbox"/> 85 Other employment (G) <input type="checkbox"/> 53 Labor comm award confirmation <input type="checkbox"/> 54 Notice of appeal - L.C.A.	
Contract	Breach contract / Wrnty (06) Collections (09) Insurance coverage (18) Other contract (37)	<input type="checkbox"/> 04 Breach contract / Wrnty (G) <input type="checkbox"/> 81 Collections (G) <input type="checkbox"/> 86 Ins. coverage - non-complex (G) <input type="checkbox"/> 98 Other contract (G)	
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	<input type="checkbox"/> 18 Eminent domain / Inv Cdm (G) <input type="checkbox"/> 17 Wrongful eviction (G) <input type="checkbox"/> 36 Other real property (G)	
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	<input type="checkbox"/> 94 Unlawful Detainer - commercial <input type="checkbox"/> 47 Unlawful Detainer - residential <input type="checkbox"/> 21 Unlawful detainer - drugs Is the deft. in possession of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	<input type="checkbox"/> 41 Asset forfeiture <input type="checkbox"/> 62 Pet. re: arbitration award <input type="checkbox"/> 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 64 Other judicial review	
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	<input type="checkbox"/> 77 Antitrust / Trade regulation <input type="checkbox"/> 82 Construction defect <input type="checkbox"/> 78 Claims involving mass tort <input type="checkbox"/> 91 Securities litigation <input type="checkbox"/> 93 Toxic tort / Environmental <input type="checkbox"/> 95 Ins covrg from complex case type	
Enforcement of Judgment	Enforcement of judgment (20)	<input type="checkbox"/> 19 Enforcement of judgment <input type="checkbox"/> 08 Confession of judgment	
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	<input type="checkbox"/> 90 RICO (G) <input type="checkbox"/> 88 Partnership / Corp. governance (G) <input type="checkbox"/> 68 All other complaints (G)	
Misc. Civil Petition	Other petition (43)	<input type="checkbox"/> 06 Change of name <input type="checkbox"/> 69 Other petition	



Superior Court of California, County of Alameda Alternative Dispute Resolution (ADR) Information Packet

The person who files a civil lawsuit (plaintiff) must include the ADR Information Packet with the complaint when serving the defendant. Cross complainants must serve the ADR Information Packet on any new parties named to the action.

The Court *strongly encourages* the parties to use some form of ADR before proceeding to trial. You may choose ADR by:

- Indicating your preference on Case Management Form CM-110;
- Filing the Stipulation to ADR and Delay Initial Case Management Conference for 90 Days (a local form included with the information packet); or
- Agree to ADR at your Initial Case Management Conference.

QUESTIONS? Call (510) 891-6055. Email adrprogram@alameda.courts.ca.gov
Or visit the court's website at <http://www.alameda.courts.ca.gov/adr>

What Are The Advantages Of Using ADR?

- ***Faster*** – Litigation can take years to complete but ADR usually takes weeks or months.
- ***Cheaper*** – Parties can save on attorneys' fees and litigation costs.
- ***More control and flexibility*** – Parties choose the ADR process appropriate for their case.
- ***Cooperative and less stressful*** – In mediation, parties cooperate to find a mutually agreeable resolution.
- ***Preserve Relationships*** – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

What Is The Disadvantage Of Using ADR?

- ***You may go to court anyway*** – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.

What ADR Options Are Available?

- ***Mediation*** – A neutral person (mediator) helps the parties communicate, clarify facts, identify legal issues, explore settlement options, and agree on a solution that is acceptable to all sides.
 - **Court Mediation Program:** Mediators do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediator's regular fees.

Some mediators ask for a deposit before mediation starts which is subject to a refund for unused time.

- **Private Mediation:** This is mediation where the parties pay the mediator's regular fees and may choose a mediator outside the court's panel.
- **Arbitration** – A neutral person (arbitrator) hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial and the rules of evidence are often relaxed. Arbitration is effective when the parties want someone other than themselves to decide the outcome.
 - **Judicial Arbitration Program (non-binding):** The judge can refer a case or the parties can agree to use judicial arbitration. The parties select an arbitrator from a list provided by the court. If the parties cannot agree on an arbitrator, one will be assigned by the court. There is no fee for the arbitrator. The arbitrator must send the decision (award of the arbitrator) to the court. The parties have the right to reject the award and proceed to trial.
 - **Private Arbitration (binding and non-binding)** occurs when parties involved in a dispute either agree or are contractually obligated. This option takes place outside of the courts and is normally binding meaning the arbitrator's decision is final.

Mediation Service Programs In Alameda County

Low cost mediation services are available through non-profit community organizations. Trained volunteer mediators provide these services. Contact the following organizations for more information:

SEEDS Community Resolution Center

2530 San Pablo Avenue, Suite A, Berkeley, CA 94702-1612

Telephone: (510) 548-2377 Website: www.seedscrc.org

Their mission is to provide mediation, facilitation, training and education programs in our diverse communities – **S**ervices that **E**ncourage **E**ffective **D**ialogue and **S**olution-making.

Center for Community Dispute Settlement

291 McLeod Street, Livermore, CA 94550

Telephone: (925) 373-1035 Website: www.trivalleymediation.com

CCDS provides services in the Tri-Valley area for all of Alameda County.

For Victim/Offender Restorative Justice Services

Catholic Charities of the East Bay: Oakland

433 Jefferson Street, Oakland, CA 94607

Telephone: (510) 768-3100 Website: www.cceb.org

Mediation sessions involve the youth, victim, and family members work toward a mutually agreeable restitution agreement.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
STIPULATION TO ATTEND ALTERNATIVE DISPUTE RESOLUTION (ADR) AND DELAY INITIAL CASE MANAGEMENT CONFERENCE FOR 90 DAYS	CASE NUMBER: _____

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

This stipulation is effective when:

- All parties have signed and filed this stipulation with the Case Management Conference Statement at least 15 days before the initial case management conference.
- A copy of this stipulation has been received by the ADR Program Administrator, 1225 Fallon Street, Oakland, CA 94612.

1. Date complaint filed: _____. An **Initial Case Management Conference** is scheduled for:

Date:

Time:

Department:

2. Counsel and all parties certify they have met and conferred and have selected the following ADR process (*check one*):


- ☐ Court mediation ☐ Judicial arbitration
☐ Private mediation ☐ Private arbitration

3. All parties agree to complete ADR within 90 days and certify that:

- a. No party to the case has requested a complex civil litigation determination hearing;
- b. All parties have been served and intend to submit to the jurisdiction of the court;
- c. All parties have agreed to a specific plan for sufficient discovery to make the ADR process meaningful;
- d. Copies of this stipulation and self-addressed stamped envelopes are provided for returning endorsed filed stamped copies to counsel and all parties;
- e. Case management statements are submitted with this stipulation;
- f. All parties will attend ADR conferences; and,
- g. The court will not allow more than 90 days to complete ADR.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____  _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF)

Date:

_____  _____
 (TYPE OR PRINT NAME) (SIGNATURE OF ATTORNEY FOR PLAINTIFF)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER.:
--	---------------

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF DEFENDANT)

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF ATTORNEY FOR DEFENDANT)



20111239

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) ERIC A. GROVER SBN: 136080 Keller Grover LLP 1965 Market Street Third Floor San Francisco, CA 94103 TELEPHONE NO.: (415) 543-1305 FAX NO.: (415) 543-7861 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY FILED ALAMEDA COUNTY JUN 22 2017 CLERK OF THE SUPERIOR COURT By <u>Sue Perkins</u> Deputy	
Superior Court of California County of Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:		CASE NUMBER: RG17863621	
PLAINTIFF/PETITIONER: RICHARD WUEST etc. et al. DEFENDANT/RESPONDENT: COMCAST CORPORATION et al.		Ref. No. or File No.:	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a. ☒ summons
b. ☒ complaint
c. ☒ Alternative Dispute Resolution (ADR) package
d. ☒ Civil Case Cover Sheet (served in complex cases only)
e. ☐ cross-complaint
f. ☒ other (specify documents): Civil Case Cover Sheet Addendum

3. a. Party served (specify name of party as shown on documents served):

COMCAST CORPORATION

- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

Gladys Aguilera - Authorized Agent

4. Address where the party was served: **818 WEST SEVENTH STREET, SUITE 930**
LOS ANGELES, CA 90017

5. I served the party (check proper box)

- a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **6/19/2017** (2) at (time): **2:25 PM**

- b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

- (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: RICHARD WUEST etc. et al.

CASE NUMBER:

RESPONDENT: COMCAST CORPORATION et al.

RG17863621

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **COMCAST CORPORATION**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **CARLOS CANAS - Specialized Legal Services, Inc.**
- b. Address: **1112 Bryant St., Suite 200 San Francisco, CA 94103**
- c. Telephone number: **(415) 357-0500**
- d. The fee for service was: **\$ 145.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **4571**
- (iii) County: **LOS ANGELES**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **6/21/2017**

★ **Specialized Legal Services, Inc.**
1112 Bryant St., Suite 200
San Francisco, CA 94103
(415) 357-0500
www.specializedlegal.com/

CARLOS CANAS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)



20111238

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) ERIC A. GROVER SBN: 136080 Keller Grover LLP 1965 Market Street Third Floor San Francisco, CA 94103 TELEPHONE NO.: (415) 543-1305 FAX NO.: (415) 543-7861 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY FILED ALAMEDA COUNTY JUN 22 2017 CLERK OF THE SUPERIOR COURT By <u>Sue Resno</u> Deputy	
Superior Court of California County of Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:			
PLAINTIFF/PETITIONER: RICHARD WUEST etc. et al. DEFENDANT/RESPONDENT: COMCAST CORPORATION et al.		CASE NUMBER: RG17863621	
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a. ☒ summons
b. ☒ complaint
c. ☒ Alternative Dispute Resolution (ADR) package
d. ☒ Civil Case Cover Sheet (served in complex cases only)
e. ☐ cross-complaint
f. ☒ other (specify documents): Civil Case Cover Sheet Addendum

3. a. Party served (specify name of party as shown on documents served):

COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC

- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

Gladys Aguilera - Authorized Agent

4. Address where the party was served: **818 WEST SEVENTH STREET, SUITE 930**
LOS ANGELES, CA 90017

5. I served the party (check proper box)

- a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **6/19/2017** (2) at (time): **2:25 PM**

- b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

- (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: RICHARD WUEST etc. et al.

CASE NUMBER:

RESPONDENT: COMCAST CORPORATION et al.

RG17863621

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: LIMITED LIABILITY COMPANY |

7. Person who served papers

- a. Name: **CARLOS CANAS - Specialized Legal Services, Inc.**
- b. Address: **1112 Bryant St., Suite 200 San Francisco, CA 94103**
- c. Telephone number: **(415) 357-0500**
- d. The fee for service was: **\$ 60.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **4571**
- (iii) County: **LOS ANGELES**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **6/21/2017**

★ **Specialized Legal Services, Inc.**
1112 Bryant St., Suite 200
San Francisco, CA 94103
(415) 357-0500
www.specializedlegal.com/

CARLOS CANAS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)



20111237

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) ERIC A. GROVER SBN: 136080 Keller Grover LLP 1965 Market Street Third Floor San Francisco, CA 94103 TELEPHONE NO.: (415) 543-1305 FAX NO.: (415) 543-7861 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY FILED ALAMEDA COUNTY JUN 22 2017 CLERK OF THE SUPERIOR COURT By <u>Sue Probst</u> Deputy
Superior Court of California County of Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:		
PLAINTIFF/PETITIONER: RICHARD WUEST etc. et al. DEFENDANT/RESPONDENT: COMCAST CORPORATION et al.		CASE NUMBER: RG17863621
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
- a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Civil Case Cover Sheet Addendum
3. a. Party served (specify name of party as shown on documents served):
COMCAST CABLE COMMUNICATIONS, LLC
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Gladys Aguilera - Authorized Agent
4. Address where the party was served: **818 WEST SEVENTH STREET, SUITE 930
LOS ANGELES, CA 90017**
5. I served the party (check proper box)
- a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **6/19/2017** (2) at (time): **2:25 PM**
- b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
- (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

BY FAX

PETITIONER: RICHARD WUEST etc. et al.

CASE NUMBER:

RESPONDENT: COMCAST CORPORATION et al.

RG17863621

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **COMCAST CABLE COMMUNICATIONS, LLC**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: LIMITED LIABILITY COMPANY |

7. Person who served papers

- a. Name: **CARLOS CANAS - Specialized Legal Services, Inc.**
- b. Address: **1112 Bryant St., Suite 200 San Francisco, CA 94103**
- c. Telephone number: **(415) 357-0500**
- d. The fee for service was: **\$ 60.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
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CARLOS CANAS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)